

23616.01

**Version of Amended Claims with Markings to Show Changes Made
(Submission to accompany Amendment Action dated February 20, 2002)**

33. (Amended) A method of managing an initial offering of collectibles for sale, said method carried out on a programmed computer to effect the following steps:

a) communicating an initial offering for sale to potential purchasers of a predetermined number of the collectibles;

b) receiving orders from the ordering potential purchasers, each order indicating the numbers of collectibles ordered by its purchaser; [and]

c) summing the ordered collectibles from the received orders to provide a total number of ordered collectibles; and

[c] d) determining whether the total number of ordered collectibles [exceeds] has a predetermined relationship to the predetermined number of offered collectibles and, if so, allocating the predetermined number of offered collectibles among selected of the ordering purchasers.

37. (Amended) The method of managing an initial offering of collectibles as claimed in claim [36] 34, wherein [said] an offering for sale on [said] a secondary market is carried out for a second selected period of time.

41. (Amended) The method of managing an initial offering of collectibles as claimed in claim [40] 33, wherein if said [counted] total number of collectibles exceed [said] the predetermined number of collectibles, said step of allocating reduces the number of collectibles to be allocated to selected of the ordering purchasers in accordance with a predefined algorithm.

48. (Amended) The method of managing an initial offering of collectibles as claimed in claim 33, wherein there is further included the step of providing a purchaser history database for keeping a record for each purchaser that has placed an order in the course of said initial offering of the collectibles for sale, and updating for each received order

23616.01

data indicative of said number of collectibles in that record of the purchaser placing that order.

49. (Amended) A method of operating a server to [support a plurality of purchaser systems] facilitate each of the potential purchasers to transmit over a network [orders] at least one order for collectibles to the server, said method comprising the steps of:

- a) [constructing] providing at the server a purchaser history database;
- b) offering for sale an initial placement of a predetermined number of collectibles;
- c) receiving from one of the potential purchasers at least one order for a selected number of collectibles; and

[c)] d) creating [at least one] in response to a received order an account in the purchaser history database for [each] its potential purchaser [transmitting to the server an order for a selected number of collectibles offered for sale in the initial placement], each account including a record of the purchasing activity of its potential purchaser[: and

d) determining whether the number of ordered collectibles exceeds the predetermined number of offered collectibles and, if so, allocating the predetermined number of collectibles among the purchasers].

50. (Amended) The method of operating a server as claimed in claim 49, further comprising the step[s] of making a second offering for sale at the direction of [certain purchasers] at least one purchaser of selected of [said] the allocated collectibles on a secondary market.

51. (Amended) The method of operating a server as claimed in claim [50] 77, wherein there is further included the steps of receiving orders from [all of the purchasers] at least one purchaser who placed [orders] an order during [said initial placement and] said second offering for sale on said secondary market, and updating the purchaser's record for each received order that reflects the ordering activity of [its] the purchaser [and is stored in said record of its purchaser placing that order].

23616.01

52. (Amended) The method of operating a server as claimed in claim [51] 49, wherein the purchasing activity includes the number of orders made by the potential purchaser and said [ordering activity includes a number of said received orders, and there is included a step of incrementing said] step c) responds to the receipt of each order to increment the number of the orders [in response to the receipt of each order] stored in the record.

54. (Amended) The method of operating a server as claimed in claim 49, wherein [said] there is further included a step of allocating said collectibles to the purchasers in accordance with an algorithm, said algorithm setting a number of collectibles to be allocated to each of the purchasers in accordance with said purchasing activity of the corresponding purchaser.

55. (Amended) The method of operating a server as claimed in claim 54, wherein said algorithm sets the number of said collectibles to be allocated to each of the purchasers as a function [directly] proportional to said number of received orders [for] from each purchaser.

56. (Amended) The method of operating a server as claimed in claim 49, wherein there is further included the step of updating the record[s] of the purchaser[s] who [placed] made at least one order in the [initial placement] first mentioned offering with data indicative of [their respective] the purchaser's allocated collectible(s).

57. (Amended) The method of operating a server as claimed in claim 56, wherein there is included the steps of receiving bids from purchasers for selected of said collectibles during said second offering for sale on said secondary market, determining the winning bids on each collectible purchased on said secondary market and updating the [records] record(s) of the [purchasers] purchaser(s) having winning [bids] bid(s) with data indicative of said purchased [collectibles] collectible(s).

58. (Amended) A server designed to support a plurality of remote systems, each system operable by a potential purchaser to transmit over a network to said server orders for collectibles being offered for sale in an initial placement, said server comprising:

23616.01

- a) a server engine programmed to:
1. implement an offering for sale of an initial placement of a predetermined number of collectibles,
 2. process the transmitted order to determine the number of ordered collectibles,
 3. determine whether the number of ordered collectibles exceeds the predetermined number of the collectibles, and
 4. if so, allocating said predetermined number of collectibles among the purchasers; and

b) a purchaser history database that keeps for each purchaser that transmits at least one order to said server a record of that purchaser's purchasing activity.

62. (Amended) A method of managing the sale of uncirculated collectibles on a primary market and on a secondary market and the maintenance of the collectibles in their uncirculated condition in a protective environment, said method carried out on a programmed computer to effect the following steps:

a) inputting to the programmed computer data as to the identity of a plurality of uncirculated collectibles maintained in the protective environment to keep the maintained collectibles in their uncirculated condition;

[a] b) communicating an initial offering for sale of the uncirculated collectibles to prospective purchasers;

[b] c) receiving and accepting a plurality of received orders whereby corresponding purchasers purchase the uncirculated identified collectibles; and

[c] d) communicating with each of the purchasers who has purchased uncirculated collectibles a message prompting such purchasers to [either] effect selected of the following:

- i) [store their] to keep their purchased uncirculated identified collectibles in [a] the [protected] protective environment, [or]

23616.01

- ii) offer for sale on the secondary market to the prospective purchasers the uncirculated identified collectibles that had been purchased on the primary market, and
- iii) forward the identified uncirculated collectibles to the corresponding one of the purchasers.

69. (Amended) A method of [operating] managing a server to support a plurality of prospective purchasers to transmit from corresponding remote stations over a network to the server orders for uncirculated collectibles and a protective environment to receive and maintain the uncirculated collectibles in their uncirculated condition, said method carried out by the programmed server to effect the following steps:

a) generating and transmitting from the server an initial offering for the sale of the uncirculated collectibles to the prospective purchasers;

b) receiving and accepting a plurality of received orders from corresponding ones of the ordering purchasers whereby corresponding purchasers purchase the uncirculated collectibles; and

c) generating and transmitting from the server to each of the purchasers who have purchased uncirculated collectibles messages prompting these purchasers to [either] effect selected of the following:

- 1) [store] keep their purchased uncirculated collectibles in [a] the [protected] protective environment, [or] and
- 2) offer for sale on a secondary market to the prospective purchasers the uncirculated collectibles that had been purchased on the primary market.

23616.01

REMARKS

This Amendment is made in response to the Final Office Action dated October 19, 2001. The undersigned will respond to each of the objections and/or rejections by the paragraph number used in the outstanding Office Action. A Request for Extension of Time in the second month and a Request for Continued Examination accompany this Amendment, thus permitting the full consideration of this Amendment.

Applicants express their appreciation for the courtesies extended to their attorney by Examiner Jagdish Patel and Primary Examiner Richard Weisberger during their teleconference interview of February 19, 2002. In particular, Examiner Weisberger indicated that the Final Rejection of October 19, 2001 was withdrawn, thus conceding that the draft Amendment, which was faxed on January 30, 2002 to Examiner, had overcome the outstanding Final Action. Even so, Examiner Weisberger indicated that Examiner Patel had to search again the presently submitted claims. Appreciating the further expense now being incurred by Applicants, the undersigned urges that if no more pertinent prior art is uncovered that the present claims should be allowed. Further, mindful of the Office's policy to conduct complete and thorough initial searches of the prior art, we encourage Examiner Patel to take special pains to make this further search complete so that no further searching will be needed.

With reference to paragraphs 4 and 5, Applicants' respectfully traverse and request reconsideration to the rejection of claims 37 and 38 as being indefinite under 35 U.S.C. Section 112, Paragraph 2. By this Amendment, claim 37 now depends on claim 34, which provides the required support for the recitation of "offering for sale on said secondary market" in claims 37 and 38.

In response to paragraphs 6, 7 and 8, Applicants respectfully traverse and request reconsideration of the rejection of claims 33-41 and 43-69 as being variously obvious over the combination of U.S. Patent No. 5,845,265 of Woolston and an article entitled, "The Railroad Telegraph". Applicant's independent claim 33 recites a step a) of communicating an initial offer of a predetermine number of collectibles to potential purchasers and a step b)

RLG/LXE/23616/01/502367.2

23616.01

of receiving orders from the potential purchasers, each indicating the number of collectibles ordered by the purchaser. The undersigned respectfully traverses the Examiner's assertion that the Woolston patent teaches "communicating an initial offering for sale to purchasers (of a predetermined number) of collectibles", relying particularly on Col. 3, L 25-30. The undersigned has carefully reviewed the cited portion of Woolston without finding any teaching of the predetermined number of collectibles. Claim 33 further recites in step c) summing the number of collectibles designated in each of the orders received from the potential purchasers to provide a total number of ordered collectibles and in step d) determining whether the number so totaled has a particular relation, e.g., is greater than, to the predetermined number of offered collectibles and, if so, allocating the collectibles to selected of the ordering potential purchasers. To supply a teaching of steps c) and d) the Examiner admits that this reference, i.e., the Woolston patent, "fails to teach step c) (now d) of determining whether the number of ordered collectibles exceeds the predetermined number of offered collectibles" and instead relies on the Telegraph article for such missing teaching. In particular, the Examiner relies on the following single, limit passage of this article: "Quantities are VERY limited and subject to further allocation." The undersigned has reviewed with care this article and respectfully asserts that the Telegraph article fails to teach the summing of collectibles from each received orders from the potential purchasers to provide a total number and then comparing the totaled number with predetermined number of collectibles offered on the initial offering as recited respectively in steps c) and d) of claim 33. In view of the above argument, the undersigned respectfully asserts that independent claim 33 and claims 34-38, 41 and 43-48 dependent therefrom are unobvious over the Woolston patent and the Telegraph article whether taken alone or in combination with each other.

Independent claim 49 and claims 50 - 57 dependent therefrom have been amended to delete the recitation of determining whether the total number of ordered collectibles exceeds the predetermined number of collectibles to effect the collectibles allocation. Rather these claims are directed to a method of operating a server including the step a) of providing at the server a purchaser history database, b) offering collectibles for sale, c) receiving orders from the potential purchasers, and step d) of creating in response to a received order an account for

23616.01

its potential purchaser for including a record of the purchasing activity of its purchaser. Woolston discloses, as noted by the Examiner, creating at least one account in the purchaser history database that includes "purchase records for a used good" and permits a node participant to search the "purchase records for a particular collectible" (see Col. 3, L 53-57 and Col. 7, L 1-4 and 30-32). Woolston teaches permitting a node participant to search for a particular used good, and not, as recited in claims 49 - 57, a method of operating a server and creating a purchaser history database by responding to the receipt of an order of a potential purchase to create a record of the purchasing activity of its purchaser. The undersigned respectfully but strongly asserts that Woolston is silent as to the manner constructing of applicants' database.

The undersigned respectfully asserts that the Examiner's rejection of claims 58-61 based on the same rationale as the rejection of claims 49-57 is inappropriate for several reasons. First as explained above, independent claim 49 recites the construction of a database in response to receiving collectible orders from potential purchasers, whereas independent claim 58 recites a server that is programmed to process orders from potential purchasers to determine the number of ordered collectible, before then determining whether the number of collectibles exceeds the predetermine number of offered collectibles. As explained above in greater detail with respect to independent claim 33, neither the Woolston nor the Telegraph article teaches such processing and comparing of the order number and the predetermined number of collectibles to initiate the allocation of the collectibles among the potential purchasers.

In contrast to the teachings of Woolston and the Telegraph article, independent claim 62 and claims 63 - 68 dependent therefrom, and independent claim 69 all relate to a method of offering uncirculated collectibles for sale on primary and secondary markets and, further, maintaining the uncirculated collectibles in a protective environment whereby the collectibles are kept in their uncirculated condition. In particular, these claims recite the step of providing each successful purchaser the choice of keeping their collectible(s) in the protective environment or to have them sent to their purchasers or offered for sale on the secondary market. In his rejection of these claims, the Examiner has failed to analyze these

23616.01

claims in terms of maintaining the collectibles in the protected environment, much less identifying where in the Woolston or Telegraph article he finds such teachings. In particular, the undersigned respectfully asserts that these references are silent as to providing the recited protective environment much less providing a successful collectible purchaser the choice of keeping its collectibles in such an environment or of offering them for sale on the secondary market.

Applicants appreciate the indication that claim 42 would be allowed if rewritten to include the recitations of claim 42, the base claim and any intervening claims. Applicants submit by this Amendment new claim 70 which includes the recitations of claim 42, base claim 33 and the intervening claim and is deemed to be allowable.

In view of the above discussion, Applicants respectfully assert that all of the objections and rejections have now been removed, and that this application is in condition for allowance, which action is respectfully requested. If the Examiner is unable to pass this application to allowance, he is requested to place a telephone call to the undersigned to suggest these changes that will readily bring this application to allowance.

Respectfully submitted,

By: 

R. Lewis Gable, Reg. No. 22,479
Attorney for Applicant(s)

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200